

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Docket. No. S4 16 Cr. 832 (KMK)

- against -

NICHOLAS TARTAGLIONE,

Defendant.  
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**MEMO ENDORSED**

**MOTION FOR A CONTINUANCE FOR FILING PROPOSED DATES FOR  
THE COMMENCEMENT OF JURY TRIAL AND A PENALTY PHASE  
LITIGATION SCHEDULING ORDER *SINE DIE***

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November 11, 2019

**BY FACSIMILE:** [REDACTED]

Hon. Kenneth M. Karas  
United States District Court Judge  
Southern District of New York  
The Hon. Charles L. BRIANT Jr.  
Federal Building and Courthouse  
300 Quarropas Street  
White Plains, New York 10601-4150

Re: *United States v. Nicholas Tartaglione*, Docket No. S4 16 Cr. 832 (KMK)

Dear Judge Karas:

This letter/motion is submitted to request that the court continue the defense's obligation to file its proposed trial date, and proposed penalty phase litigation schedule *sine die*.<sup>1</sup>

**I. Reasons For The Request To Continue *Sine Die***

At the pre-trial conference on October 21, 2019, the court directed the parties to "*submit either a joint proposed schedule, including a proposed trial date or, if joint submission is not possible, their own proposed schedules by November 12, 2019.*" Since that time, the parties have worked hard to comply with the court's directive. Those efforts have included intra-defense team meetings, extensive discussions with the defense mitigation specialists and other experts, along with extensive discussions and the exchange of proposed schedules with the government.

The defense team has been unable to reach [REDACTED] date for the commencement of trial, and the time period needed to properly litigate penalty phase issues.

[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED], it is requested that the court continue the time period for the defense to file its proposed date to commence jury selection and trial, and a schedule for penalty phase pleadings *sine die*, [REDACTED]  
[REDACTED]  
[REDACTED]

I have discussed the above application in general terms with the government, and advised that a part of the request would be filed under seal. A.U.S.A. Maurene Comey states that the government objects to the above request. Both the government and Learned Counsel are in agreement, however, that should the court grant the application, over the government's object, that the court make a record (sealed at this time) which sets forth the basis of the court's decision.

Finally, due to the circumstances of this death authorized case, it is requested that the court designate this as a complex case under 18 U.S.C. § 3161(h)(7)(B)(ii), if it has not already done so.

The Motion is granted. There is no value in forcing counsel to commit to a trial date while the Cursio issue remains unresolved. Also, the Court designates this capital case as a complex case under 18 U.S.C. § 3161(h)(7)(B)(ii).

Respectfully submitted,

Anthony L. Ricco

Anthony L. Ricco, Esq.

Bruce D. Koffsky

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cc: A.U.S.A. Maurene Comey  
A.U.S.A. Jason Swergold

All defense counsel (including Barket and Leisenring)

So Ordered  
MK  
11/13/19